

STATE DISCHARGE PERMIT NUMBER	09-DP-2904	NPDES PERMIT NUMBER	MD0065871
EFFECTIVE DATE	December 1, 2009	EXPIRATION DATE	November 30, 2014
MODIFICATION DATE:	N/A	REAPPLICATION DATE	October 1, 2012

Pursuant to the provisions of Title 9 of the Environment Article, Annotated Code of Maryland, and regulations promulgated thereunder, and the provisions of the Clean Water Act, 33 U.S.C. § 1251 *et seq.* and implementing regulations 40 CFR Parts 122, 123, 124, and 125, the Department of the Environment, hereinafter referred to as the "Department," hereby authorizes

National Archives and Records Administration
8601 Adelphi Road
College Park, Maryland 20740

TO DISCHARGE FROM

a government records storage and preservation facility

LOCATED AT

8601 Adelphi Road, College Park, Prince George's County, Maryland 20740

VIA OUTFALL

001 as identified and described herein

TO

an unnamed tributary to Paint Branch, which, as Use I waters, is protected for water contact recreation, fishing, aquatic life and wildlife in accordance with the following special and general conditions and map(s) made a part hereof.

I. SPECIAL CONDITIONSA. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the effective period of this permit, the permittee is authorized to discharge non-contact cooling water via Outfall 001 (Maryland Coordinates 812.0 E and 425.0 N).

As specified below, such discharge shall be limited and monitored by the permittee at the discharge pipe from the cooling water system.

PARAMETER	QUANTITY OR LOADING			QUALITY OR CONCENTRATION				FREQUENCY OF ANALYSIS	SAMPLE TYPE	NOTES
	MONTHLY AVERAGE	DAILY MAXIMUM	UNITS	MINIMUM	MONTHLY AVERAGE	DAILY MAXIMUM	UNITS			
Flow	Report	Report	gpd					1/Month	Measured	
Temperature					Report	90	°F	1/Month	i-s	(1)
Total Residual Chlorine					0.011	0.019	mg/l	1/Month	Grab	(2) (3)
Dissolved Oxygen				5.0			mg/l	1/Month	Grab	(4)
pH				6.5		8.5		1/Month	Grab	(2)
Total Zinc					120	120	ug/l	1/Month	Grab	(5)(6)(7)
Dissolved Zinc					Report	Report	ug/l	1/Month	Grab	(5)(6)
Total Copper					9	13	ug/l	1/Month	Grab	(5)(6)(7)
Dissolved Copper					Report	Report	ug/l	1/Month	Grab	(5)(6)
Hardness (as CaCO ₃)					Report	Report	mg/l	1/Month	Grab	(8)
Total Nitrogen					Report	Report	mg/l	1/Month	Grab	(9)
Total Phosphorus					Report	Report	mg/l	1/Month	Grab	(9)

I. SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS – Continued from previous page

There shall be no discharge of floating solids or persistent foam in other than trace amounts. Persistent foam is foam that does not dissipate within one half-hour of point of discharge.

- (1) Monitoring is required May through October only.
- (2) The discharge of wastewater from the cleaning of the cooling water system with acids, solvents, or detergents is prohibited. If caustic inorganic cleaners or chlorine shock treatment are used, both the pH and chlorine limits are applicable during those periods, and the permittee shall monitor the discharge for those pollutants during those periods of discharge. If the permittee practices chemical dechlorination, then the pH limit is applicable. If none of these activities occurs, the permittee shall so note in the comments section of the discharge monitoring report.
- (3) Because the minimum level (quantification level) for chlorine is 0.10 mg/l, all results below this minimum level shall be reported as <0.10 mg/l.
- (4) Monitoring for dissolved oxygen is required only if chemical dechlorination is conducted. The permittee shall so note on the discharge monitoring report.
- (5) Test results of non-detectable levels are not acceptable unless the detection level is less than the permit limit or the permittee demonstrates to the Department that a lower detection level is not practically achievable for this wastewater.
- (6) EPA Test Method 200.8. An alternate test method may be substituted as long as the Department concurs that its detection level is less than the applicable Toxic Substance Criteria in COMAR 26.08.02.03 or the permittee demonstrates to the Department that a lower detection level is not practically achievable for this wastewater. Sample preservation procedures, container materials, and maximum allowable holding times must be specified in any application to the Department for use of an alternate test method(s). Written approval from the Department must be given before any alternate test method(s) is used.
- (7) The limits for copper and zinc become effective six months after the effective date of the permit.
- (8) To be taken at same time as metals samples.
- (9) After one year of monitoring, the Department may reduce or eliminate monitoring requirements upon a written request from the permittee. This change can be made without reopening the permit.

I. SPECIAL CONDITIONS

B. DEFINITIONS

1. "Bypass" means the intentional diversion of wastes from any portion of a treatment facility.
2. "Daily determination of concentration" means one analysis performed on any given sample representing flow during a calendar day, with one number in mg/l or other appropriate units as an outcome.
3. The "daily maximum" effluent concentration means the highest reading of any daily determination of concentration.
4. The "daily maximum" temperature means the highest temperature observed during a 24-hour period or, if flows are of shorter duration during the operating day.
5. "Estimated" flow means a calculated volume or discharge rate which is based on a technical evaluation of the sources contributing to the discharge including, but not limited to, pump capabilities, water meters, and batch discharge volumes.
6. "Grab sample" means an individual sample collected in less than 15 minutes. Grab samples collected for pH and total residual chlorine shall be analyzed within 15 minutes of time of sample collection.
7. "i-s" = immersion stabilization - means a calibrated device immersed in the effluent stream until the reading is stabilized.
8. "Measured" flow means any method of liquid volume measurement the accuracy of which has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.
9. The "minimum" value means the lowest value measured during a 24-hour period.
10. The "monthly, quarterly, semi-annual, or annual average" effluent concentration means the value calculated by computing the arithmetic mean of all the daily determinations of concentration made during any calendar-month, 3-month, 6-month, or 12-month period respectively.
11. "Nitrogen, Total" means the sum of organic nitrogen, ammonia nitrogen, nitrate, and nitrite. All values shall be reported as nitrogen (as N).
12. "Solvent" is defined as an organic substance capable of dissolving another to form a uniformly dispersed mixture. Organic solvents include, but are not limited to, aromatic hydrocarbons, aliphatic hydrocarbons, esters, ethers, ketones, amines, and nitrated and chlorinated hydrocarbons.
13. "Upset" means the exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

C. TOXIC POLLUTANT REPORTING

The permittee shall notify the Department as soon as it is known or suspected that any toxic pollutants which are not specifically limited by this permit have been discharged at levels specified in 40 CFR Part 122.42(a).

D. REMOVED SUBSTANCES

1. Within 30 days after notification by the Department, the permittee shall provide information on the disposal of any removed substances, as defined by General Condition B.7, including the following information:
 - a. A suitable map showing all areas used for disposal of removed substances.
 - b. The physical, chemical, and biological characteristics, as appropriate; quantities of any removed substances; and the method of disposal.
 - c. If disposal is handled by persons other than the permittee, identification of the contractor or subcontractor, their mailing address, and the information specified in a and b above.
2. The Department's notification may also require the permittee to provide the above information prior to the use of new or additional disposal areas, contractors, or subcontractors.

E. ANALYTICAL LABORATORY

Within 30 days after the effective date of this permit, the permittee shall submit to the Department the name and address of the analytical laboratory (including the permittee's own laboratory) which is used to perform the monitoring required by this permit.

If the laboratory changes during the effective period of this permit, the permittee shall notify the Department of the new laboratory within 30 days after the change.

F. WASTEWATER OPERATOR CERTIFICATION – [Reserved]

G. FLOW MONITORING

In lieu of providing measured flow (defined in the Special Conditions Definitions section) at Outfall 001, the permittee may estimate flows and submit the following information at the time of submission of the initial discharge monitoring report and/or upon any change in the methodology:

1. a description of the methodology used to estimate flow at each outfall where flow measurement equipment is not present;
2. documentation appropriate to the methodology utilized which provides information necessary to support the validity of the reported flow estimate. If actual measurements or observations are made, a description of typical sampling times, locations, and persons performing the measurements/observations should also be provided.
3. a description of the factors (e.g., batch discharges, intermittent operation, etc.) which cause flow at the outfall to fluctuate significantly from the estimate provided.

H. FLOW BASIS FOR ANNUAL DISCHARGE PERMIT FEE

The Department will calculate permit fees annually and will invoice the permittee based upon average discharge flow. Permit fees are payable in advance to the Department by July 1 of each fiscal year (July 1 through June 30).

The permittee shall provide to the Department's Industrial Discharge Permits Division by May 1 of each year an updated average discharge flow value for the next billing period if the flow volume used to calculate the most recent annual permit fee (or, if the permit was renewed within the past year, the flow volume used to calculate the application fee) differs significantly from either of the following flow determinations:

1. average flow data from the current fiscal year as reported on the permittee's discharge monitoring reports, or
2. the estimated flow volume for the next billing period based upon recent changes at the facility.

The permittee shall include with their flow revision notification a summary of flow data reported on discharge monitoring reports for the previous year and any other supporting documentation to be used as the basis for the flow determination.

I. REAPPLICATION FOR A PERMIT

The Department is implementing a schedule for issuance of discharge permits grouped by geographical areas (watersheds). To implement the watershed-based schedule, the Department may revoke and reissue this permit concurrently with other permits in the watershed.

Unless the Department grants permission for a later date, the permittee shall submit a renewal application by no later than 10/01/2012, or notify the Department of the intent to cease discharging by the expiration date.

In the event that a timely and sufficient reapplication has been submitted and the Department is unable, through no fault of the permittee, to issue a new permit before the expiration date of this permit, the terms and conditions of this permit are automatically continued and remain fully effective and enforceable.

J. PERMIT REOPENER FOR TOTAL MAXIMUM DAILY LOAD (TMDL)

1. This permit may be reopened as a major modification to implement any applicable requirements associated with a Total Maximum Daily Load (TMDL) issued or approved for this watershed (ANACOSTIA RIVER, 02.14.02.05), including but not limited to: biological indicators.
2. No later than one year and 28 days after the effective date of this permit, the permittee shall submit (to the Industrial Discharge Permits Division) a table of the first twelve months of monitoring results for total nitrogen and total phosphorus. To ensure consistency with the Anacostia River Nutrients/Biochemical Oxygen Demand TMDL approved June 5, 2008, the permit may be reopened to propose effluent limitations upon a determination by the Department that a reasonable potential exists to exceed water quality standards.

K. BIOMONITORING PROGRAM

1. Within three months of the effective date of the permit, the permittee shall submit to the Department for approval a study plan to evaluate wastewater toxicity at Outfall 001 by using biomonitoring. The study plan should include at a minimum a discussion of:
 - a. wastewater and production variability
 - b. sampling & sample handling
 - c. source & age of test organisms
 - d. source of dilution water
 - e. testing procedures/experimental design
 - f. data analysis
 - g. quality assurance/quality control
 - h. report preparation
 - i. testing schedule
2. The testing program shall consist of definitive quarterly chronic testing for one year. This testing shall be initiated no later than three months following the Department's acceptance of the study plan.
 - a. Each quarterly testing shall include the Ceriodaphnia survival and reproduction test and the fathead minnow larval survival and growth test.
 - b. If the receiving water is estuarine the permittee shall substitute estuarine species for those species specified above. Approved estuarine species for chronic testing are sheepshead minnow, inland silversides, and mysid shrimp. In all cases, testing must include one vertebrate species and one invertebrate species.
3. The samples used for biomonitoring shall be collected at the same time and location as the samples analyzed for the effluent limitations and monitoring requirements for this outfall. For chlorinated effluents, samples shall be collected after dechlorination.
4. The following EPA documents discuss the appropriate methods:
 - a. Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms, Third Edition, EPA-821-R-02-014, October 2002.
 - b. Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition, EPA-821-R-02-013, October 2002.
5. Test results shall be submitted to the Department within one month of completion of each set of tests.
6. Test results shall be reported in accordance with MDE/WMA "Reporting Requirements for Effluent Biomonitoring Data," 3/21/03.
7. As a minimum, the reported chronic results shall be expressed as NOEC, LOEC, ChV, and IC₂₅.
8. If significant mortality occurs during the first 48 hours of the chronic tests, 48-hour LC50s shall be calculated and reported along with the chronic results.

9. If testing is not performed in accordance with MDE-approved study plan, additional testing shall be required by the Department.
10. If the test results of any two consecutive valid toxicity tests conducted within any 12-month period show acute or chronic toxicity, the permittee shall repeat the test within 30 days to confirm the findings of acute or chronic toxicity. If acute and/or chronic toxicity is confirmed, the permittee shall:
 - a. Eliminate the source of toxicity through operational changes as soon as possible but in any case not longer than within three months, or
 - b. Perform a TRE. If the permittee repeats the toxicity testing as stated above and the results of the repeat test do not confirm the acute or chronic toxicity, the Department will require the permittee to repeat the toxicity testing as stated above to reconfirm a finding of no acute or chronic toxicity. After reconfirmation, the permittee shall complete any remaining quarterly testing required.
11. If plant processes or operations change so that there is a significant change in the nature of the wastewater, the Department may require the permittee to conduct a new set of tests.
12. Submit all Biomonitoring related materials to:

Maryland Department of the Environment
Water Management Administration
Compliance Program
1800 Washington Boulevard, Suite 420
Baltimore, Maryland 21230-1708

L. TOXICITY REDUCTION EVALUATION

The permittee shall conduct a Toxicity Reduction Evaluation (TRE) when a review of toxicity test data by the Department indicates unacceptable acute or chronic effluent toxicity. A TRE is an investigation conducted to identify the causative agents of effluent toxicity, isolate the source(s), determine the effectiveness of control options, implement the necessary control measures and then confirm the reduction in toxicity.

1. Within 90 days following notification by the Department that a TRE is required, the permittee shall submit a plan of study and schedule for conducting a TRE. The permittee shall conduct the TRE study consistent with the submitted plan and schedule.
2. This plan should follow the framework presented in Generalized Methods for Conducting Industrial Toxicity Reduction Evaluations (EPA/600/2-88/070).
3. Beginning 60 days following the date of the Department's acceptance of the TRE study plan and every 60 days thereafter, the permittee shall submit progress reports including all relevant test data to the Department. This shall continue until completion of the toxicity reduction confirmation.
4. Within 60 days following completion of the toxicity identification, or the source identification phase of the TRE, the permittee shall submit to the Department a plan and schedule for implementing those measures necessary to eliminate acute toxicity and/or reduce chronic

toxicity to acceptable levels. The implementation of these measures shall begin immediately upon submission of this plan.

5. Within 60 days after completing implementation of the control measures to eliminate or reduce toxicity, the permittee shall submit to the Department for approval a study plan to confirm the elimination or reduction of toxicity by using biomonitoring.
6. If, for any reason, the implemented measures do not result in compliance with the Department's toxicity limitations, the permittee shall continue the TRE.

M. MIXING ZONES AND POLLUTION PREVENTION – [Reserved]

N. PROTECTION OF WATER QUALITY

It is a violation of this permit to discharge any substance not otherwise listed under the permit's "Effluent Limitations and Monitoring Requirements" special conditions at a level which would cause or contribute to any exceedance of the numerical water quality standards in COMAR 26.08.02.03 unless the level and the substance were disclosed in writing in the permit application prior to the issuance of the permit. If a discharge regulated by this permit causes or contributes to an exceedance of the water quality standards in COMAR 26.08.02.03, including but not limited to the general water quality standards, the Department is authorized to exercise its powers to modify, suspend or revoke this permit.

O. USE OF CHEMICAL CONDITIONERS IN COOLING WATER

1. If not already submitted with the permit application, no later than 30 days after the effective date of coverage under this permit, the permittee shall submit to the Department (Industrial Discharge Permits Division) the name of all previously authorized water treatment additives currently in use at the facility and potentially discharging to surface water of the State. No later than ten days after changing or adding any water treatment chemicals, the permittee shall submit the names of the new products to the Department. Accompanying this list shall be corresponding aquatic toxicity data, manufacturer's information on chemical composition of the product, the concentrations that will exist in the effluent (note: material safety data sheets seldom provide all of this information). Based on this information, if the Department determines that wastewater containing the additive is likely to cause toxicity, use of the additives will be prohibited. The Department, however, will approve its use if the permittee performs biomonitoring of the effluent and demonstrates that the effluent is nontoxic.
2. The permittee shall notify the Department (Industrial Discharge Permits Division) if and when it initiates the use of chemical dechlorination, or terminates the practice.

P. STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY – [Reserved]

II. GENERAL CONDITIONS

A. MONITORING AND REPORTING

1. REPRESENTATIVE SAMPLING

Samples and measurements taken as required herein shall be taken at such times as to be representative of the quantity and quality of the discharges during the specified monitoring periods.

2. REPORTING-MONITORING RESULTS SUBMITTED QUARTERLY

Monitoring results obtained during the calendar quarter shall be summarized on a Discharge Monitoring Report form (EPA No. 3320-1). For each effluent characteristic monitored at a frequency of once per month or less and not limited as a monthly average, the results obtained during the reporting period shall be summarized on a single report form for each quarter. More frequently monitored effluent characteristics and effluent characteristics limited as a monthly average shall be reported on a separate form for each calendar month of the reporting period. Results shall be submitted to the Department postmarked no later than the 28th day of the month following the end of the reporting period. Calendar quarter reporting periods end on the last day of the following months: March, June, September and December.

The reports shall be submitted to:

Maryland Department of the Environment
Water Management Administration
Compliance Program
1800 Washington Boulevard, Suite 425
Baltimore, Maryland 21230-1708

3. SAMPLING AND ANALYSIS METHODS

The analytical and sampling methods used shall conform to procedures for the analysis of pollutants as identified in Title 40 CFR Part 136 - "Guidelines Establishing Test Procedures for the Analysis of Pollutants" unless otherwise specified.

4. DATA RECORDING REQUIREMENTS

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. the exact place, date, and time of sampling or measurement;
- b. the person(s) who performed the sampling or measurement;
- c. the dates and times the analyses were performed;
- d. the person(s) who performed the analyses;
- e. the analytical techniques or methods used; and
- f. the results of all required analyses.

5. MONITORING EQUIPMENT MAINTENANCE

The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation to insure accuracy of measurements.

6. ADDITIONAL MONITORING BY PERMITTEE

If the permittee monitors any pollutant, using approved analytical methods as specified above, at the locations designated herein more frequently than required by this permit, the results of such monitoring, including the increased frequency, shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report form (EPA No. 3320-1).

7. RECORDS RETENTION

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed, calibration and maintenance of instrumentation, and original recordings from continuous monitoring instrumentation shall be retained for a minimum of three years. This period shall be automatically extended during the course of litigation, or when requested by the Department.

B. MANAGEMENT REQUIREMENTS

1. CHANGE IN DISCHARGE

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit at a level in excess of that authorized shall constitute a violation of the terms and conditions of this permit. Anticipated facility expansions, production increases or decreases, or process modifications, which will result in new, different, or an increased discharge of pollutants, shall be reported by the permittee by submission of a new application or, if such changes will not violate the effluent limitations specified in this permit, by notice to the Department. Following such notice, the permit may be modified by the Department to specify and limit any pollutants not previously limited.

2. NONCOMPLIANCE WITH EFFLUENT LIMITATIONS

If, for any reason, the permittee does not comply with or will be unable to comply with any daily maximum or daily minimum effluent limitation specified in this permit, the permittee shall notify the Inspection and Compliance Program by telephone at (410) 537-3510 within 24 hours of becoming aware of the noncompliance. Within five calendar days, the permittee shall provide the Department with the following information in writing:

- a. a description of the non-complying discharge including its impact upon the receiving waters;
- b. cause of noncompliance;
- c. anticipated time the condition of noncompliance is expected to continue or if such condition has been corrected, the duration of the period of noncompliance;
- d. steps taken by the permittee to reduce and eliminate the non-complying discharge;
- e. steps to be taken by the permittee to prevent recurrence of the condition of noncompliance; and
- f. a description of the accelerated or additional monitoring by the permittee to determine the nature and impact of the noncomplying discharge.

3. FACILITIES OPERATION

All treatment, control and monitoring facilities, or systems installed or used by the permittee, are to be maintained in good working order and operated efficiently.

4. ADVERSE IMPACT

The permittee shall take all reasonable steps to minimize or prevent any adverse impact to waters of the State or to human health resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

5. BYPASSING

Any bypass of treatment facilities necessary to maintain compliance with the terms and conditions of this permit is prohibited unless:

- a. the bypass is unavoidable to prevent a loss of life, personal injury or substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources;
- b. there are no feasible alternatives;
- c. notification is received by the Department within 24 hours (if orally notified, then followed by a written submission within five calendar days of the permittee's becoming aware of the bypass). Where the need for a bypass is known (or should have been known) in advance, this notification shall be submitted to the Department for approval at least ten calendar days before the date of bypass or at the earliest possible date if the period of advance knowledge is less than ten calendar days; and
- d. the bypass is allowed under conditions determined by the Department to be necessary to minimize adverse effects.

6. CONDITIONS NECESSARY FOR DEMONSTRATION OF AN UPSET

An upset shall constitute an affirmative defense to an action brought for noncompliance with technology-based effluent limitations only if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

- a. an upset occurred and that the permittee can identify the specific cause(s) of the upset;
- b. the permitted facility was at the time being operated in a prudent and workman-like manner and in compliance with proper operation and maintenance procedures;
- c. the permittee submitted a 24-hour notification of upset in accordance with the reporting requirements of General Condition II.B.2 above;
- d. the permittee submitted, within five (5) calendar days of becoming aware of the upset, documentation to support and justify the upset; and
- e. the permittee complied with any remedial measures required to minimize adverse impact.

7. REMOVED SUBSTANCES

Wastes such as solids, sludges, or other pollutants removed from or resulting from treatment or control of wastewaters, or facility operations, shall be disposed of in a manner to prevent any removed substances or runoff from such substances from entering or from being placed in a location where they may enter the waters of the State.

8. POWER FAILURE

In order to maintain compliance with the effluent limitations and prohibitions of this permit, the permittee shall either:

- a. provide an alternative power source sufficient to operate the wastewater collection and treatment facilities or,
- b. halt, reduce or otherwise control production and all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater collection and treatment facilities.

C. RESPONSIBILITIES

1. RIGHT OF ENTRY

The permittee shall permit the Secretary of the Department, the Regional Administrator for the Environmental Protection Agency, or their authorized representatives, upon the presentation of credentials to:

- a. enter upon the permittee's premises where an effluent source is located or where any records are required to be kept under the terms and conditions of this permit;
- b. access and copy, at reasonable times, any records required to be kept under the terms and conditions of this permit;
- c. inspect, at reasonable times, any monitoring equipment or monitoring method required in this permit;
- d. inspect, at reasonable times, any collection, treatment, pollution management, or discharge facilities required under this permit; and
- e. sample, at reasonable times, any discharge of pollutants.

2. TRANSFER OF OWNERSHIP OR CONTROL OF FACILITIES

In the event of any change in ownership or control of facilities from which the authorized discharge emanates, the permit may be transferred to another person if:

- a. the permittee notifies the Department in writing, of the proposed transfer;
- b. a written agreement, indicating the specific date of proposed transfer of permit coverage and acknowledging responsibilities of current and new permittees for compliance with the liability for the terms and conditions of this permit, is submitted to the Department; and
- c. neither the current permittee nor the new permittee receive notification from the Department, within 30 calendar days, of intent to modify, revoke, reissue or terminate the existing permit.

3. REAPPLICATION FOR A PERMIT –[Reserved]

4. AVAILABILITY OF REPORTS

Except for data determined to be confidential under Section 308 of the Clean Water Act, 33 U.S.C. § 1318, all submitted data shall be available for public inspection at the offices of the Department and the Regional Administrator of the Environmental Protection Agency.

5. PERMIT MODIFICATION

A permit may be modified by the Department upon written request of the permittee and after notice and opportunity for a public hearing in accordance with and for the reasons set forth in 40 CFR § 122.62 and 122.63.

6. PERMIT MODIFICATION, SUSPENSION, OR REVOCATION

After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked and reissued in whole or in part during its term for causes including, but not limited to, the following:

- a. violation of any terms or conditions of this permit;
- b. obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
- c. a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
- d. a determination that the permitted discharge poses a threat to human health or welfare or to the environment and can only be regulated to acceptable levels by permit modification or termination.

7. TOXIC POLLUTANTS

If a toxic effluent standard or prohibition (including any schedule of compliance specified in such toxic effluent standard or prohibition) is established by the U.S. Environmental Protection Agency, or pursuant to Section 9-314 of the Environment Article, Annotated Code of Maryland, for a toxic pollutant which is present in the discharges authorized herein and such standard is more stringent than any limitation upon such pollutant in this permit, this permit shall be revoked and reissued or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified. Any effluent standard established in this case for a pollutant which is injurious to human health is effective and enforceable by the time set forth in the promulgated standard, even absent permit modification.

8. OIL AND HAZARDOUS SUBSTANCES PROHIBITED

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibility, liability, or penalties to which the permittee may be subject under Section 311 of the Clean Water Act (33 U.S.C. § 1321), or under the Annotated Code of Maryland.

9. CIVIL AND CRIMINAL LIABILITY

Except as provided in permit conditions on "bypassing," "upset," and "power failure," nothing in this permit shall be construed to preclude the institution of any legal action nor relieve the permittee from civil or criminal responsibilities and/or penalties for noncompliance with Title 9 of the Environment Article, Annotated Code of Maryland or any federal, local, or other State law or regulation.

10. PROPERTY RIGHTS/COMPLIANCE WITH OTHER REQUIREMENTS

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, State or local laws or regulations.

11. SEVERABILITY

The provisions of this permit are severable. If any provisions of this permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect. If the application of any provision of this permit to any circumstances is held invalid, its application to other circumstances shall not be affected.

12. WATER CONSTRUCTION AND OBSTRUCTION

This permit does not authorize the construction or placing of physical structures, facilities, or debris, or the undertaking of related activities in any waters of the State.

13. COMPLIANCE WITH WATER POLLUTION ABATEMENT STATUTES

The permittee shall comply at all times with the provisions of the Environment Article, Title 7, Subtitle 2 and Title 9, Subtitle 3 of the Annotated Code of Maryland and the Clean Water Act, 33 U.S.C. § 1251 et seq.

14. ACTION ON VIOLATIONS

The issue or reissue of this permit does not constitute a decision by the State not to proceed in administrative, civil, or criminal action for any violations of State law or regulations occurring before the issue or reissue of this permit, nor a waiver of the State's right to do so.

15. CIVIL PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

In addition to civil penalties for violations of State water pollution control laws set forth in Section 9-342 of the Environment Article, Annotated Code of Maryland, the Clean Water Act provides that any person who violates Section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act or in a permit issued under Section 404 of the Act, is subject to a civil penalty not to exceed \$27,500 per day for each violation.

16. CRIMINAL PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

In addition to criminal penalties for violations of State water pollution control laws set forth in Section 9-343 of the Environment Article, Annotated Code of Maryland, the Clean Water Act provides that:

- a. any person who negligently violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one (1) year, or by both.
- b. any person who knowingly violates Section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than three (3) years, or by both.
- c. any person who knowingly violates Section 301, 302, 306, 307, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, is subject to a fine of not more \$25,000 or imprisonment of not more than 15 years, or both.
- d. any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with or renders inaccurate any monitoring device or method required to be maintained under the Act, is subject to a fine of not more than \$10,000 or by imprisonment for not more than two (2) years, or by both.

17. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

18. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Director shall be signed and certified as required by 40 CFR 122.22.

19. REOPENER CLAUSE FOR PERMITS

This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301, 304, and 307 of the Clean Water Act [33 USCS §§ 1311, 1314, 1317] if the effluent standard or limitation so issued or approved:

- a. contains different conditions or is otherwise more stringent than any effluent limitation in this permit or
- b. controls any pollutant not limited in this permit. This permit, as modified or reissued under this paragraph, shall also contain any other requirements of the Act then applicable.

D. AUTHORITY TO ISSUE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

On September 5, 1974, the Administrator of the U.S. Environmental Protection Agency approved the proposal submitted by the State of Maryland for the operation of a permit program for discharges into navigable waters pursuant to Section 402 of the Clean Water Act, 33 U.S.C. Section 1342.

Pursuant to the aforementioned approval, this discharge permit is both a State of Maryland discharge permit and a NPDES permit.

This permit and the authorization to discharge shall expire at midnight on the expiration date. The permittee shall not discharge after that date unless a new application has been submitted to the Department in accordance with the renewal application provisions of this permit.

Jay G. Sakai, Director
Water Management Administration